

MINUTE ORDER

CASE NUMBER: CIVIL NO. 19-00604 LEK-WRP

CASE NAME: In The Matter Of:
FISH N DIVE LLC, HONU GROUP LLC, HONU
WATERSPORTS LLC, and MATTHEW J. ZIMMERMAN as
owners of the single decked passenger vessel DIVE BARGE,
Official Number 1278007, for exoneration from and/or
limitation of liability

JUDGE: Leslie E. Kobayashi

DATE: 1/14/2020

COURT ACTION: EO: COURT ORDER DEEMING WITHDRAWN MOTION TO
DISMISS COMPLAINT FOR EXONERATION FROM OR LIMITATION OF
LIABILITY AND TO LIFT THE STAY

On December 16, 2019, Claimants-in-Limitation James A. Liotta, as Personal Representative of the Estate of T.T., Deceased; Tsogt Natsagdorj, Individually, and as Next Friend of K.T., a Minor; and Enkhsuvd Batbold (“Tsogt Claimants”) filed their Motion to Dismiss Complaint for Exoneration from or Limitation of Liability and to Lift the Stay (“Motion”). [Dkt. no. 19.] On January 13, 2020, the Court approved a stipulation between the Tsogt Claimants and Plaintiffs-in-Limitation Fish N Dive LLC, Honu Group LLC, Honu Watersports LLC, and Matthew J. Zimmerman (“Plaintiffs”). [Dkt. no. 42.] The stipulation provides that Plaintiffs will file a first amended complaint without a ruling from this Court on the Motion. In light of this agreement, the Tsogt Claimants’ Motion is **HEREBY DEEMED WITHDRAWN AND TERMINATED**. The withdrawal of the Motion is **WITHOUT PREJUDICE** to the Tsogt Claimants filing a new motion to dismiss addressing the first amended complaint.

Plaintiffs are **DIRECTED** to file their first amended complaint by **January 17, 2020**. If Plaintiffs elect not to file a first amended complaint, the Tsogt Claimants have leave to re-file their Motion by filing a one-page notice requesting that the Court set the Motion for hearing.

The Court notes that, if Plaintiffs file a first amended complaint, all claimants – not only the Tsogt Claimants – must file their respective answers to the first amended complaint, within the time provided by the applicable legal authority.

IT IS SO ORDERED.

Submitted by: Agalelei Elkington, Courtroom Manager